

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Santosh Prakash	Team: Squad #8	CCRB Case #: 201808313	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/09/2018 6:15 AM	Location of Incident: [REDACTED]	Precinct: 90	18 Mo. SOL 4/9/2020	EO SOL 11/24/2020	
Date/Time CV Reported Tue, 10/09/2018 11:00 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/09/2018 11:00 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Paul Viar	2928	923317	WARRSEC
2. SDS Robert Olson	05309	902135	INT OAS
3. Officers			WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Dominick Nasso	00000	924241	WARRSEC
2. SGT Eric Samuels	01464	923106	WARRSEC
3. DT3 Robert Greenleaf	00808	921397	INT OAS
4. DT3 Keith Devine	01005	946924	INT OAS

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Paul Viar	Abuse: Detective Paul Viar entered § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
B. Officers	Abuse: Officers entered § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
C.SDS Robert Olson	Abuse: Sergeant Robert Olson entered § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
D.SDS Robert Olson	Abuse: Sergeant Robert Olson threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]
E.SDS Robert Olson	Abuse: Sergeant Robert Olson threatened to notify Administration for Children's Services.	[REDACTED]
F.SDS Robert Olson	Force: Sergeant Robert Olson used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
G.SDS Robert Olson	Abuse: Sergeant Robert Olson refused to show the search warrant to § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On October 9, 2018, § 87(2)(b) filed the following complaint with the CCRB's intake unit.

On October 9, 2018, at approximately 6:15 AM, officers including Det. Kevin Viar (of the Warrant Squad) and Sgt. Robert Olson (of Intelligence Division) entered § 87(2)(b)'s residence at § 87(2)(b) § 87(2)(b) in Brooklyn, with an arrest warrant for her boyfriend § 87(2)(b) (**Allegations A, B, C: Abuse of Authority**, § 87(2)(g)). After the officers arrested § 87(2)(b), § 87(2)(b) was instructed to gather her children and vacate the apartment, so that the premises could be secured until a search warrant was obtained. § 87(2)(b) § 87(2)(b) proceeded to comply, but Sgt. Olson became upset that she was taking too long and allegedly threatened to arrest her. (**Allegation D: Abuse of Authority**, § 87(2)(g)). Sgt. Olson also allegedly told § 87(2)(b) that he would "call ACS and take [her] kids away." (**Allegation E: Abuse of Authority**, § 87(2)(g)). Shortly thereafter, Sgt. Olson allegedly grabbed § 87(2)(b) by her arms and pulled her out of the apartment. (**Allegation F: Force**, § 87(2)(g)). At approximately 9:00 PM that night, when § 87(2)(b) returned to her apartment with police permission, Sgt. Olson allegedly refused to show her a copy of the search warrant. (**Allegation G: Abuse of Authority**, § 87(2)(g)).

§ 87(2)(b) was arrested on burglary charges. (BR05, BR07) § 87(2)(b) was not summonsed or arrested. There is no video footage of the incident.

Findings and Recommendations

Allegation (A) – Abuse of Authority: Detective Paul Viar entered § 87(2)(b) in Brooklyn.

Allegation (B) – Abuse of Authority: Officers entered § 87(2)(b) in Brooklyn.

Allegation (C) – Abuse of Authority: Sergeant Robert Olson entered § 87(2)(b) in Brooklyn.

It is undisputed that on October 9, 2018, at approximately, 6:15 AM, NYPD officers including Det. Viar and Sgt. Olson entered § 87(2)(b)'s residence with arrest warrants for § 87(2)(b) her partner and co-resident.

According to § 87(2)(b) approximately 10 plainclothed officers entered her apartment without her consent, after stating that they had an arrest warrant for § 87(2)(b) and confirming with her that he was inside. Upon handcuffing § 87(2)(b) four of the ten officers removed § 87(2)(b) and left the scene. One of the officers who stayed behind then asked § 87(2)(b) if she would consent to a search of the apartment, which she refused. Sgt. Olson, whose name and shield number § 87(2)(b) obtained, arrived at this time and ordered her to vacate the apartment with her children so the location could be secured until a search warrant was obtained. (BR01)

Based on the police documentation on the incident, the investigation established the following relevant facts surrounding the incident: arrest warrants for § 87(2)(b) were issued by a § 87(2)(b) on § 87(2)(b) under warrant numbers § 87(2)(b) and § 87(2)(b), on the application of the Paramus Borough Police Department (Paramus PD); Paramus PD officers led by Det. Nicholas Luciano then executed the arrest warrants on October 9, 2018, with the assistance of the NYPD's Warrant Squad and Intelligence Division, respectively led by Det. Viar and Sgt. Olson; upon arresting § 87(2)(b) inside the apartment, Warrant Squad removed him from the scene, leaving the Paramus PD officers to continue their investigation; later that afternoon, the § 87(2)(b) issued search warrant number § 87(2)(b) for the apartment based on probable cause information provided by the Paramus PD officers. (BR05-BR07)

Det. Viar and Sgt. Olson both consistently stated that their involvement with the incident was limited to providing intelligence and tactical support to the Paramus PD officers on scene, who had informed them that § 87(2)(b) was wanted for several jewelry store robberies in New Jersey. (BR02, BR03)

Det. Viar stated that he entered the apartment with Paramus PD and Warrant Squad officers after § 87(2)(b) opened the door and confirmed that § 87(2)(b) was inside. Det. Viar said that about four to six Paramus officers went in with him. While he did not recall how many members of his team entered, Det. Viar was certain that every Warrant Squad officer left the scene with § 87(2)(b) soon after he was handcuffed and removed from the premises. (BR03)

Sgt. Olson stated that he was securing the perimeter outside the building when Paramus PD and Warrant Squad entered the apartment, and that § 87(2)(b) was already handcuffed by the time he went up to the unit. Sgt. Olson also stated that all of the Warrant Squad officers left the scene with § 87(2)(b) soon after his entry, leaving him in the apartment with three Paramus PD officers, one of whom was Det. Luciano. Per Sgt. Olson, no other NYPD personnel entered the premises after Warrant Squad left – including the two Intelligence officers (Det. Robert Greenleaf and Det. Keith Devine) who accompanied him to the scene but otherwise had no part in the incident – until a search warrant was later obtained and executed. (BR02)

When contacted by telephone, Det. Luciano of Paramus PD recalled no details regarding the incident, beyond stating that he left the scene after § 87(2)(b) was removed and returned to New Jersey to obtain the search warrant. Det. Luciano did not recall if other Paramus PD officers were present at the scene, or if he ever entered the premises, or who remained at the location when he left for New Jersey. (BR04)

Det. Viar's and Sgt. Olson's memo book entries regarding the incident are consistent with their accounts above. (BR08-BR09)

Det. Viar's DD§ 87(2)(g) "On October 9, 2018, at approximately 0615, [Det. Viar] along with NYPD Intel and Paramus PD went to § 87(2)(b) knocked on the door a female came to the door and opened it...stated her kids and her husband [were inside] ... [Det. Viar] entered the apt. and apprehended the

subject without incident. NJ PD stayed at the location to conduct a search warrant. Subject was taken to PSA3 and processed.” (BR06)

As noted earlier, search warrant § 87(2)(b) was obtained in Brooklyn on § 87(2)(b), at 3:55 PM, to search the premises located at § 87(2)(b) and seize any “property constituting evidence” of the burglaries committed by § 87(2)(b) (BR05) While an NYPD officer applied for the warrant, probable cause was based on information provided by Det. Luciano. The search warrant relays as follows: “Det. Luciano [states] that he [and Det. Viar were] permitted entry into the subject location by § 87(2)(b) whom he learned to be the wife of suspect § 87(2)(b) who stated in sum and substance, my husband is inside...Det Luciano [further stated] that he went together into the bedroom with Det. Viar, and observed § 87(2)(b) inside said bedroom, whereupon” he was taken into NYPD custody. “Det. Luciano [further stated] that while inside suspect § 87(2)(b) bedroom, Det Luciano observed several pieces of jewelry with price tags still attached” as well as various articles of clothing tying § 87(2)(b) to the scene of the robberies...” (BR05)

While the investigation was unable to obtain copies of § 87(2)(b) New Jersey state arrest warrants § 87(2)(b) the time, place, and basis of the warrants’ issuance are attested to in search warrant § 87(2)(b) (BR05)

In order to execute a warrant of arrest, officers may “enter any premises in which he reasonably believes” the subject of the warrant to be present. (NY CLS CPL § 120.80; BR11)

§ 87(2)(b), § 87(2)(g)

Allegation (D) – Abuse of Authority: Sergeant Robert Olson threatened to arrest § 87(2)(b)

Allegation (E) – Abuse of Authority: Sergeant Robert Olson threatened to notify Administration for Children's Services.

Allegation (F) – Force: Sergeant Robert Olson used physical force against § 87(2)(b)

§ 87(2)(b) stated that she complied when Sgt. Olson ordered her to vacate the premises. With his permission, she first got her children dressed and gathered a few personal items in a diaper bag. § 87(2)(b) then took about twenty minutes to dress herself, which caused Sgt. Olson to become irritated: he asked her why she was taking so long, threatened to arrest her if she did not hurry up, and said that he would “call ACS and take [her] kids away.” Sgt. Olson did not explain what she could be arrested for or why he would need to notify ACS. § 87(2)(b) at this point became upset and objected to the officers’ continued presence in the apartment. This in turn prompted Sgt. Olson to grab her by her arms and pull her out of the apartment forcibly. § 87(2)(b) was unclear about whether her children were also removed with her. (BR01)

Sgt. Olson stated that soon after he arrived at the apartment, Paramus PD officers informed him of the following: that evidence of § 87(2)(b) robberies, namely various articles of tagged jewelry, had been observed in plain view; that the apartment needed to be secured until a search warrant could be obtained and executed; that § 87(2)(b) was told to gather her children and any essentials she needed for the day; and that as she went about doing so, the officers had observed her attempting to conceal some of the jewelry in a carry bag. (BR02)

As Sgt. Olson was being apprised of this situation, § 87(2)(b) was shouting at the officers, clearly upset about the arrest and the ongoing investigation. But in doing so, § 87(2)(b) was not going about the task of vacating the apartment in a timely manner, as it ultimately took her another hour to gather her children and personal items, during which time she repeatedly tried to enter the bathroom and shut the door. Sgt. Olson explained that his role as an Intelligence officer in these types of cases typically required him to act in a community relations capacity and interface with any involved civilians at the scene. To this effect, Sgt. Olson tried to get § 87(2)(b) to be more cooperative by explaining to her why the location needed to be emptied of its occupants. Sgt. Olson further noted that he wanted § 87(2)(b) to be more expeditious because he did not want her two children to experience extended exposure to the police at home. However, Sgt. Olson did not recall mentioning child removal at any time or threatening to notify ACS for any reason. Sgt. Olson did not personally observe § 87(2)(b) engage in any arrestable conduct, did not threaten to arrest § 87(2)(b) at any point, and did not recall hearing any other officer do so either. Per Sgt. Olson, § 87(2)(b) ultimately exited the premises with the children of her own accord, without any use of force from the officers. Sgt. Olson did not believe he ever made physical contact with § 87(2)(b) (BR02)

Det. Viar said he did not witness any of the above interactions as he had left the scene after § 87(2)(b) apprehension. (BR03)

§ 87(2)(b), § 87(2)(g)
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Allegation (G) – Abuse of Authority: Sergeant Robert Olson refused to show the search warrant to § 87(2)(b)

§ 87(2)(b) stated that at approximately 9:00 PM that same night, she returned to the apartment with police permission, as the search warrant execution had since concluded. § 87(2)(b) found Sgt. Olson in the building and asked him for a copy of the search warrant. Sgt. Olson allegedly refused, stating that the document did not need to be shown to her. (BR01)

Sgt. Olson stated that he escorted the Paramus officers to the court house for the search warrant application and returned with them to the location after the search warrant was obtained. Sgt. Olson acknowledged that he had a copy of the search warrant at this time. Sgt. Olson also said that when he returned to the location, he was met outside the apartment by an individual named § 87(2)(b) who identified herself as § 87(2)(b)'s relative. When § 87(2)(b) asked to see the search warrant, Sgt. Olson showed her his copy. When Paramus officers then began searching the premises, Sgt. Olson left the scene and did not return. Sgt. Olson denied interacting with § 87(2)(b) after she vacated the premises earlier that morning, and denied refusing to show her the search warrant. (BR02)

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- Det. Viar has been a member of service for 20 years and has been a subject in seven CCRB complaints and ten allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Olson has been a member of service for 26 years and has been a subject in four CCRB complaints and five allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- The results of a Notice of Claim query, filed with the Office of the Comptroller on April 22, 2019, are pending. (BR12)
- Per New York State's Office of Court Administration, § 87(2)(b) has not been convicted of any crimes in the last ten years. (BR12)

Allegations Not Plead

§ 87(2)(b) made various allegations against the six unnamed officers who remained in her apartment with Sgt. Olson after § 87(2)(b) was removed, stating: that one of them failed to show her the arrest warrants at the time of the entry; that another searched her carry bag while she was packing personal items into it; that four of the officers (none of them Sgt. Olson) were rummaging through various papers and effects in her living room while she was getting ready to leave; and that two of them assisted Sgt. Olson in forcibly removing her from the apartment. As discussed on page 5, the investigation concluded that Sgt. Olson was the only member of the NYPD in the apartment after Warrant Squad left the scene with § 87(2)(b). Consequently, all of the remaining officers were determined to be Paramus PD members and the allegations against them were therefore not pled.

Squad No.: 08

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date